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EXAMINER	
FIELDS, BENJAMIN S	

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3684	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/724,315	KASOWER, SHELDON	
	Examiner	Art Unit	
	BENJAMIN S. FIELDS	3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,8,22-29,31-33,35 and 37-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,8,22-29,31-33,35 and 37-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. The following is a **FINAL** Office Action in response to the communication received on 22 October 2009. Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 are now pending in this application.

Response to Amendments

2. The Examiner acknowledges the Applicant's amendments to Claims 1 and 37 in regards the originally asserted 35 U.S.C. 101 Rejection, however, the rejection has been maintained due to a forthcoming 35 U.S.C. 112 Rejection that follows. Please reference the comments made within the sections labeled 35 U.S.C. 101 and 35 U.S.C. 112 Rejections below.

3. The Examiner acknowledges the Applicant's remarks and comments regarding the Telephonic Interview held 16 September 2009.

4. Applicant's Amendments to Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 has been acknowledged in that: **NO Claims have been newly cancelled**; **Claims 1, 26, 35, and 37-39 have been newly amended**; **NO Claims have been newly added**; hence, as such, **Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 are pending in this application**.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims **1, 3-4, 8, 22-25, 37,** and **40** are rejected under 35 U.S.C. 101 because the claimed invention is not directed to a secondary statutory subject matter/class.

> A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:
>
> "(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines.'); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').[7] A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (*In re Bilski, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008))*

As noted in *Bilski*: "[A] Process claim that recites fundamental principle, and that otherwise fails 'machine-or-transformation' test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or

transformation constitutes mere 'insignificant post-solution activity.'" (*In re Bilski, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008))* Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test. Please refer to the USPTO's "Guidance for Examining Process Claims in view of *In re Bilski*" memorandum dated January 7, 2009, http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf .

Point of Importance: It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion *Ex parte Langemyr et al.* (Appeal 2008-1495), http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf .

7. Referring to Claims **1, 3-4, 8, 22-25, 37,** and **40**: Although Applicants have amended Claims 1 and 37 to include "a computer processing/processor machine", the Examiner is not thoroughly convinced that such steps are tied to a machine because these limitations are unfounded within the Applicant's specification. Thus, Claims 1, 3-4, 8, 22-25, 37, and 40 are not tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing, thereby failing the machine-or-transformation test; therefore, claims are non-statutory under § 101.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Referring to Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40: Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 recite a method of preserving an individual's access to credit by means of a service organization using a "computer processor/processing machine/device". A review of the Applicant's specification, however, does not show "a computer processing/processor machine". As such, the Examiner is not thoroughly convinced that such steps are tied to a machine because these limitations are unfounded within the Applicant's specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1, 3-4, 8, 22-29, 31-33, 35, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazerson (US Pat. No. 7,366,694), [hereinafter Lazerson] in view of Stanfield (US PG. Pub. No. 2008/0133278), [hereinafter Stanfield].

Point Of Importance: The Examiner has not included the newly amended claim limitations as these limitations are under review pending the outcome of the current 35 U.S.C. 112 Rejections.

Referring to Claim 1: Lazerson teaches a method of preserving an individual's access to credit by means of a service organization comprising: obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau (Lazerson: Abstract; Figures 1-3); using one or more computer processing units, on a periodic basis accessing dynamic credit information of the individual from the credit reporting bureau report and deriving debt data from the credit information comprising (Lazerson: Abstract; Figures 1-3; Column 2, Line 35-Column 4, Line 65): contacting the credit reporting bureau and obtaining dynamic credit information, and deriving debt data for a credit card debt category and for each of a plurality of other debt categories from the dynamic credit information; using one or more computer processing units, on a periodic basis determining the amount necessary to provide debt payment coverage based on the debt data derived from the credit information (Lazerson: Abstract; See Figures; See Claims), comprising: presenting information to the individual which classifies the debt data for the credit card debt category and for each of the plurality of debt categories.

Lazerson, however, does not expressly discuss the debt data to be used in determining an amount necessary to provide coverage for aggregated insurance benefits; and allowing the individual to select among the credit card debt category and the other debt categories for which the individual will obtain the aggregated insurance benefits; using one or more computer processing units, selecting a specific insurance company to provide coverage for the aggregated insurance benefits based on the amount necessary to provide debt payment coverage at specific aggregated insurance premiums.

Stanfield, in a similar environment, shows the debt data to be used in determining an amount necessary to provide coverage for aggregated insurance benefits; and allowing the individual to select among the credit card debt category and the other debt categories for which the individual will obtain the aggregated insurance benefits; using one or more computer processing units, selecting a specific insurance company to provide coverage for the aggregated insurance benefits based on the amount necessary to provide debt payment coverage at specific aggregated insurance premiums (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024).

At the time of invention it would have been obvious to one of ordinary skill in the art to modify the method and system of Stanfield for a method and system for providing multi-credit card insurance with the features of Lazerson for credit/financing processes for the purpose of assisting borrowers avoid predatory lending and unjustified credit/financing rates, etc. (Lazerson: Column 1, Lines 19-63).

Referring to Claim 3: Lazerson shows a method further comprising on a periodic basis adjusting the value of the determined amount necessary to provide coverage for the aggregated insurance benefits in accordance with the changes in the data derived from the credit information (Lazerson: Column 2, Line 35-Column 4, Line 65; Column 5, Line 15-Column 7, Line 63).

Referring to Claim 4: Stanfield teaches a method further comprising on a periodic basis, updating the database to include any new insurance companies and to update the premiums that the one or more insurance companies charge for providing their aggregated insurance benefits (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; See Claims).

Referring to Claim 8: Stanfield discusses a method further comprising on a periodic basis, determining any change in the amount necessary to provide debt payment coverage and adjusting the value of the premiums owed by the individual in accordance with the changes in the data derived from the credit information (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0024).

Referring to Claim 22: Stanfield shows a method further comprising registering the individual with the service organization (Stanfield: Abstract; See Figures; See Claims).

Referring to Claim 23: Stanfield discloses a method further comprising entering a database including one or more insurance companies that provide the insurance coverage benefits, the database further including the specific premiums that the one or

more insurance companies charge for issuing their aggregated insurance benefits (Stanfield: Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042).

Referring to Claim 24: Stanfield teaches a method further comprising on a periodic basis informing the individual of the specific premiums (Stanfield: Abstract; See Figures; See Claims).

Referring to Claim 25: Stanfield shows a method further comprising requesting that the insurance company provide coverage for the existing aggregated insurance benefits to the individual (Stanfield: Abstract; See Figures; Page 1, Paragraphs 0002-0012; Page 1, Paragraph 0017-Page 2, Paragraph 0029; Page 3, Paragraph 0037-Page 4, Paragraph 0042; See Claims).

Referring to Claims 26-29 and 31-33: Claims 26-29 and 31-33 are directed towards a computer program product for carrying out/implementing the method steps of Claims 1, 3-4, 8, and 22-25. As such, Claims 26-29 and 31-33 are rejected under the same basis as are Claims 1, 3-4, 8, and 22-25 as mentioned supra.

Referring to Claim 35: Claim 35 parallels a system for the method of Claims 1, 3-4, 8, and 22-25. As such, Claim 35 is rejected under the same basis as are Claims 1, 3-4, 8, and 22-25 as mentioned supra.

Referring to Claim 37: Lazerson discloses a method wherein the plurality of other debt categories include a mortgage loan debt category and/or an auto loan debt category (Lazerson: Abstract; Claims 1-5).

Referring to Claim 38: Lazerson shows a computer program product wherein the plurality of other debt categories include a mortgage loan debt category and/or an auto loan debt category (Lazerson: Abstract; Claims 1-5).

Referring to Claim 39: Claim 39 reflects a system for the method of Claim 37. As such, Claim 39 is rejected under the same basis as is Claim 37 as mentioned supra.

Referring to Claim 40: The Examiner notes that it is old and notoriously well known that method wherein the specific insurance company selected to provide coverage for the aggregated insurance benefits is selected based on the state where the individual lives is a common practice amongst both individuals and insurance agents/companies/organizations.

Response to Arguments

12. Applicant's arguments filed 22 October 2009 have been fully considered but have been found to be **moot** and **non-persuasive**. The Applicant argues:

Argument

§ 103 Rejections

The combination of Lazerson and Stanfield does not teach or suggest these features. First, nowhere does Lazerson or Stanfield teach or suggest, obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau. The rejection on page 4 of the current Office Action asserts that Lazerson teaches these features. However, as noted in Applicants' June 5, 2009

Amendment, Lazerson only teaches receiving credit and financial information from the borrower - not a credit reporting bureau (see column 2, lines 50-51 of Lazerson). The Response to Arguments section on page 12 of the current Office Action asserts that one of ordinary skill in the art would understand that such a step of contacting and obtaining credit information from a credit reporting bureau would be paramount to obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau. However, Applicants note that Lazerson does not teach or suggest a step of requiring authorization from an individual to share credit information to financial institutions. Lazerson merely teaches requiring authorization from an individual to share a credit grading to financial institutions, and not for requiring authorization to contact and obtain credit information from a credit reporting bureau, as recited in claim 1 (see column 2, lines 4-14 of Lazerson). A credit grading authorized to be shared by the borrower to a financial institution is significantly different than obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau. Credit grading information is a grading determined for the borrower based on pre-established and objective criteria (see column 1, lines 59-63 of Lazerson). Thus, credit grading information appears to relate to information such as the borrower's credit score rather than the specific credit information of the borrower stored with a credit bureau. The Response to Arguments section on page 12 of the current Office Action states that Figures 1, 2, paragraphs [0026-0027] and [0035-0037] and claim 10 of Stanfield teach obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau. However, the portions cited in the Response to Arguments section at most teach receiving credit information from a credit reporting bureau. Stanfield is silent as to obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau. Second, nowhere does the combination of Lazerson and Stanfield teach or suggest deriving debt data for a credit card debt category and for another debt category from dynamic credit information obtained from a credit reporting bureau. As discussed above, Lazerson only teaches receiving credit and financial information from the borrower - not a credit reporting bureau (see column 2, lines 50-51 of Lazerson). Also,

Lazerson is merely directed to a credit/financing process that allows a borrower to anonymously obtain and/or evaluate desired financial services from different lenders (see the Abstract and column 2, line35-column 4, line 65 of Lazerson). Nowhere does Lazerson provide any interest in deriving debt data for a credit card debt category and for another debt category from dynamic credit information obtained from a credit reporting bureau. Stanfield also does not teach or suggest deriving debt data for a credit card debt category and for another debt category from dynamic credit information obtained from a credit reporting bureau. In contrast, Stanfield is only interested in obtaining data regarding balances for a plurality of different credit cards. In contrast, claim 1 is directed to deriving debt data not only for a credit card debt category, but also for another debt category. Thus, nowhere does Stanfield contemplate deriving debt data for a credit card debt category and another debt category, as recited in claim 1. The Response to Arguments section on page 13 of the current Office Action states that column 7, lines 38-63 of Lazerson teaches deriving debt data from credit information. However, the cited portion of Lazerson merely teaches providing future reminders or information on the borrowers' credit report and credit scores. Nowhere does Lazerson teach, suggest or even contemplate deriving debt data for a credit card debt category and for another debt category from dynamic credit information obtained from a credit reporting bureau, as recited in claim 1. Third, nowhere does the combination of Lazerson and Stanfield teach or suggest that debt data, for a credit card debt category and for another debt category, be used in determining an amount necessary to provide coverage for aggregated insurance benefits, as required by claim 1. Lazerson is merely directed to a credit/financing process that allows a borrower to anonymously obtain and/or evaluate desired financial services from different lenders (see the Abstract and column 2, line35-column 4, line 65 of Lazerson). Thus, Lazerson is not directed to a process for obtaining aggregated insurance benefits and is therefore not interested in having debt data, for a credit card debt category and for an other debt category, be used in determining an amount necessary to provide coverage for aggregated insurance benefits. Stanfield also does not teach or suggest that debt data, for a credit card debt category and another debt category, be used in determining an amount

necessary to provide coverage for aggregated insurance benefits. In contrast, Stanfield is only interested in obtaining data regarding balances for a plurality of different credit cards. In contrast, claim 1 is directed at deriving debt data not only for a credit card debt category, but also for another debt category. Nowhere does Stanfield contemplate deriving debt data for a credit card debt category and another debt category, as required by claim 1.

Moreover, there is no motivation in Lazerson to modify its systems and methods (i.e., providing a borrower a service to anonymously obtain and/or evaluate desired financing from different lenders) to include multi-credit card insurance features from Stanfield in order to obtain the features of determining an amount necessary to provide coverage for aggregated insurance benefits, as recited in claim 1. Lazerson is interested in financing (e.g. loans, such as mortgage or auto loans or credit cards) (see column 2, lines 34-36 of Lazerson) and has no interest in providing an insurance policy, let alone providing a multi-credit card insurance policy. Lazerson has no interest in using obtained credit information from the borrower in order to determine the type and amount of multi- credit card insurance necessary for a potential borrower. At most the combination of Lazerson and Stanfield appears to be a mishmash of features from two unrelated pieces of prior art that could only be obtained via hindsight analysis. The rejection on page 6 of the current Office Action states that it would be obvious to one skilled in the art to modify the method and system of Stanfield for providing multi-credit card insurance with the features of Lazerson for the purpose of assisting borrowers avoid predatory lending and unjustified credit/financing rates. However, the rejection to claim 1 uses Lazerson as the primary reference and Stanfield as the secondary reference. Thus, the analysis should be whether it would be obvious to one skilled in the art to modify the system and method of Lazerson with the features of Stanfield. As discussed above, nowhere does Lazerson contemplate determining or providing insurance policies for a borrower, let alone determining or providing multi-credit card insurance policies as provided by Stanfield. Thus, there is no motivation to combine Lazerson with Stanfield as provided in the rejection. Fourth, nowhere does the combination of Lazerson and

Stanfield teach or suggest on a periodic basis, determining an amount necessary to provide debt payment coverage based on the debt data derived from the credit information. The Response to Arguments section on page 13 of the current Office Action states that Lazerson shows, on a periodic basis determining an amount necessary to provide debt payment coverage based on the debt data derived from the credit information. At most, Lazerson teaches using credit information obtained from the borrower compared with financing qualification criteria and/or credit qualifying criteria in order to provide a borrower with an impartial credit evaluation or loan evaluation to be used as a check against offers from commercial lenders offering loans to the borrower (see column 2, lines 33-60). In contrast, the method of claim 1 recites determining an amount necessary to provide debt payment coverage based on the debt data derived from the credit information. Stanfield does not overcome these deficiencies of Lazerson. Stanfield is only interested in obtaining data regarding balances for a plurality of different credit cards. In contrast, claim 1 is directed at deriving debt data not only for a credit card debt category, but also for another debt category. Nowhere does Stanfield contemplate deriving debt data for a credit card debt category and another debt category, as required by claim 1. Accordingly, Stanfield also does not teach or suggest on a periodic basis, determining an amount necessary to provide debt payment coverage based on the debt data derived from the credit information. Fifth, nowhere does Lazerson or Stanfield teach or suggest presenting information to the individual which classifies the debt data for the credit card debt category and for the other debt category, and allowing the individual to select among the credit card debt category and the other debt category for which the individual will obtain the aggregated insurance benefits.

Regarding Argument

The Examiner respectfully disagrees. First, Stanfield does teach or suggest, obtaining authorization from the individual to contact and obtain dynamic credit information from a credit reporting bureau (See Stanfield at least at Figures 1[10], 2;

Paragraphs 0026-0027, 0033-0035; Claim 10). Here, Stanfield suggests obtaining authorization from an individual to contact and obtain dynamic credit information from a credit reporting bureau. Stanfield has been relied upon to show a method and system for multi-credit card insurance risk measurement. The amount of risk an underwriter undertakes in issuing a credit card insurance policy covering credit cards issued by different issuers can be determined utilizing the reference. Additionally, the Stanfield reference can be used to determine various parameters of the insurance policy, such as an insurance premium and the insurance policy limits, among others. Lazerson, in a similar environment has been included to show a method for a borrower to obtain and/or evaluate desired financial services where personal information from a borrower is obtained and recorded. The personal information includes reasons that the borrower wants to obtain the financing. Finance evaluation information based on pre-established and objective criteria used by at least one established financial institution that provides financing of the type sought by the borrower is obtained and recorded. A user is provided with a credit grading based on the personal information and the financing evaluation information. Next a credit grading is determined by an independent entity that will not provide the financing to the borrower. The financing may be in the form of a loan, such as a mortgage loan or an auto loan or the financing may be the issuance of a credit card or a line of credit. The independent entity also compiles a comparison of closing costs associated with the financial transactions, and can optionally provide an estimate of those costs for one, and preferably for a variety of providers of the desired financing. While Lazerson may only teach receiving credit and financial information

from the borrower (per Applicant), one of ordinary skill in the art would understand that such credit and financial data is received by a credit reporting bureau (See Lazerson at least at Column 2, Lines 50-61). Per Applicant, if Lazerson merely teaches requiring authorization from an individual to share credit information to financial institutions and not to, contact and obtain credit information from a credit reporting bureau, one of ordinary skill in the art, would understand that such a step of contacting and obtaining credit information from a credit reporting bureau would be paramount to this step as recited in Claim 1 of the instant application. Lazerson indeed teaches and suggests, on a periodic basis accessing credit information of an individual from a credit reporting bureau and deriving debt data from the credit information as required by claim 1. See at least (Lazerson: Abstract; Column 7, Lines 38-64). Lazerson also shows, on a periodic basis, determining an amount necessary to provide debt payment coverage (See at least Lazerson: Abstract; Column 2, Lines 33-47; Column 4, Lines 6-65; Column 7, Lines 38-64) based on the data derived from the credit information (See at least Lazerson: Claims 9, 19). Furthermore, Stanfield does disclose processes for selecting an insurance company to provide coverage for aggregated insurance benefits. The rejection relies on column 7, lines 38-63 of Lazerson for teaching accessing credit information of an individual from a credit reporting bureau and deriving debt data from the credit information.

Regarding the motivation to combine the Stanfield and Lazerson references, further support is presented by the following case law provided by the Examiner for the convenience and review of by the Applicant:

In re Dembiczak, 50 USPQ2d 1614. We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. Furthermore, broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.

As such, the Examiner maintains the previous rejection.

13. Any additional arguments filed 22 October 2009 have been fully considered but have been found to be **moot** and **non-persuasive**. Additionally, as the remaining claims depend directly or indirectly from the independent claims mentioned/discusses above, the Examiner maintains all previously asserted rejections.

Conclusion

14. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields
21 January 2010

/Nga B. Nguyen/
Primary Examiner, Art Unit 3684